

AMENDED IN SENATE MARCH 26, 2014

AMENDED IN SENATE FEBRUARY 14, 2014

**SENATE BILL**

**No. 895**

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**Introduced by Senator Corbett**

January 13, 2014

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An act to amend Section 1569.33 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 895, as amended, Corbett. Residential care facilities for the elderly: unannounced visits.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires that every licensed residential care facility for the elderly be subject to unannounced visits by the department and requires the department to visit these facilities as often as necessary to ensure the quality of care provided, but no less often than once every 5 years. Existing law requires the department to conduct an annual unannounced visit under specified circumstances, including when a license is on probation, and to conduct annual unannounced visits to no less than 20% of the facilities not subject to an evaluation under specified circumstances, ~~as specified~~. Existing law requires the department to notify the residential care facility for the elderly in writing of all deficiencies and to set a reasonable length of time for compliance by the facility. Existing law requires inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection.

This bill would instead require the department to ~~inspect these facilities~~ *perform these unannounced inspections* at least once each year and would authorize the department to conduct additional unannounced inspections under specified circumstances. The bill would delete the provisions requiring the department to conduct annual unannounced visits to no less than 20% of the facilities and the provisions requiring an unannounced visit no less often than once every 5 years. The bill would require the department, with each *annual* inspection, to ~~evaluate~~ *conduct a comprehensive evaluation of* a facility for compliance with ~~all the~~ laws and regulations governing residential care facilities for the elderly. The bill would also require the department to verify that a facility is in compliance no later than 10 days after the notification of deficiencies in compliance and would require inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection on the department's Internet Web site or its district offices.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 1569.33 of the Health and Safety Code  
2     is amended to read:  
3     1569.33. (a) Every licensed residential care facility for the  
4     elderly shall be subject to unannounced inspections by the  
5     department. The department shall ~~inspect these facilities~~ *perform*  
6     *these unannounced inspections* at least once each year and as often  
7     as necessary to ensure the quality of care provided. With each  
8     *annual* inspection, the department shall ~~evaluate~~ *conduct a*  
9     *comprehensive evaluation of* a facility for compliance with ~~all the~~  
10    laws and regulations governing residential care facilities for the  
11    elderly.  
12    (b) The department may conduct additional unannounced  
13    inspections of a facility under any of the following circumstances:  
14    (1) When a license is on probation.  
15    (2) When the terms of agreement in a facility compliance plan  
16    require additional inspections.  
17    (3) When an accusation against a licensee is pending.  
18    (4) When a facility requires additional inspections as a condition  
19    of receiving federal financial participation.

1 (5) In order to verify that a person who has been ordered out of  
2 the facility for the elderly by the department is no longer at the  
3 facility.

4 (c) The department shall notify the residential care facility for  
5 the elderly in writing of all deficiencies in its compliance with the  
6 provisions of this chapter and the rules and regulations adopted  
7 pursuant to this chapter, and shall verify that the facility is in  
8 compliance no later than 10 days after the notification. *The 10-day*  
9 *compliance period may be extended up to an additional 30 days*  
10 *if the department determines that the delay will not adversely*  
11 *impact the health, safety, and security of facility residents.*

12 (d) Reports on the results of each inspection, evaluation, or  
13 consultation shall be kept on file in the department, and all  
14 inspection reports, consultation reports, lists of deficiencies, and  
15 plans of correction shall be open to public inspection on the  
16 department's Internet Web site or its district offices.

17 (e) As a part of the department's evaluation process, the  
18 department shall review the plan of operation, training logs, and  
19 marketing materials of any residential care facility for the elderly  
20 that advertises or promotes special care, special programming, or  
21 a special environment for persons with dementia to monitor  
22 compliance with Sections 1569.626 and 1569.627.